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ORDERS MINE CLOSED DOWN

Declared to Be Menace to People.

Also a Hindrance to Restora- tion of Peace and Good Order.

Gen. Bell Takes Action Which Will
Bring Matters Before United
States Courts.

VICTOR, Colo., June 9.—Adjutant General Sherman M. Bell, commander of the Teller county military district, this afternoon ordered the Portland mine, which employs union men, closed down. The order in part declares:

"Whereas, The Portland mine, situated in said county, is and for a long time has been, engaged in employing and harboring large numbers of dangerous, lawless men, who have aided, encouraged and given comfort and assistance to those who have been so guilty of said crimes and other things that said mine has become, and now is, a menace to the welfare and safety of the good people of said county and a hindrance to the restoration of peace and good order;

Three Hundred Men Affected.

The Portland is the only large mine in the district that has continued in operation since the explosion at Independence on Monday, which killed or maimed more than twenty non-union miners. The Portland Gold Mining company, through its president and manager, James E. Burns, who is not a member of the Cripple Creek District Mine Owners' association, conceded the demands of the unions when the strike was inaugurated last August and has steadily given employment to about 300 union men.

Urged to Go to Work.

Gen. Bell also issued another proclamation, over 5000 copies being posted urging all good citizens to at once resume their usual and lawful occupations, and requesting all miners and other employees to immediately return to their respective occupations, with the full assurance that life and property will be henceforth fully protected in every part of the district now under military control.

Federal Courts May Step In.

The closing of the Portland mine will probably be the means of reaching the federal courts with a case to test the power of Governor Peabody to vest in the military absolute power in the district declared to be under martial law. The Portland Gold Mining company, being a foreign corporation, incorporated under the laws of another state, and having eminent lawyers, that therefore any act affecting it may be reviewed by the United States courts.

Confers With Attorneys.

James F. Burns, president of the Portland Mining company, is in Denver and is closeted with his attorneys, whom it is said are preparing papers which will be filed in the United States circuit court, asking for a restraining order to prevent further interference upon the part of the state military authorities with the operation of the Portland mine.

May Arrest Burns.

The military authorities are credited with saying that when the Burns injunction is sued for, an attempt will be made to arrest Mr. Burns himself, and that he is being held in custody. It is not claimed that there is sound for an accusation that Mr. Burns personally incited a riot, the implication being that he should be held because he maintained the union by giving employment to union miners.

Will Attack Court Decision.

Attorney Horace N. Hawkins, one of Mr. Burns' counsel, said tonight that the matter of applying for an injunction to prevent the operation of Adjt. Gen. Bell's proclamation concerning the Portland mine was under consideration, but no definite plan of action had been decided upon. He thought some action would be taken tomorrow. Mr. Hawkins intimated that the correctness of the decision of the Colorado Supreme court concerning the powers of the Governor during a reign of martial law will be attacked.

"DEATH TO UNIONISM IN CRIPPLE CREEK"

CRIPPLE CREEK, Colo., June 9.—"Death to unionism in the Cripple Creek district" is the new slogan of the Citizens' Alliance, which has sent a decree broadcast that every person connected with any union must either sever his or her connection with such organization or leave the district. This latest stand of the anti-unionists was vaguely hinted at two days ago, but the movement on the part of the Alliance seemed so absurd to the 3000 or 4000 unionists in the camp and its

Peabody Is Perfectly Content

Has No Objection to Gen. Bell in
Breaking Up the Gang of
Dynamiters.

DENVER, June 9.—Concerning the contention that Dunsmuir, the new mining camp where the battle between Gen. Bell's soldiers and union miners occurred yesterday, was outside of Teller county, and therefore beyond the zone of territory included in the proclamation declaring Teller county to be in a state of insurrection and rebellion, Gov. Peabody today said: "I don't know where the Teller county boundary line is as compared with the location of Dunsmuir, but I have no objection to what Gen. Bell did and I approve of his every action in breaking up that gang of dynamiters and capturing their guns. I do not believe the location of the place will cause much unfavorable discussion."

Relief for Families of Union Miners

Western Federation Committee Place
\$1000 on Deposit to Aid Wo-
men and Children.

DENVER, June 9.—One hundred and fifty delegates to the convention of the Western Federation of Miners left for their homes today. At a meeting of the executive board \$1000 was placed on deposit for the relief of the wives and children of union miners in the Cripple Creek district. "The executive board will see that no militiamen will take the food out of the mouths of these people," said Vice-President Williams. "They have destroyed the co-operative store at Cripple Creek for that purpose, but the board will attend to the wants of these needy ones. More money will be deposited if necessary."

Mr. Williams added that the Victor Record did not voice the sentiment of the federation officials in advising that the strike be called off.

Coal Miners to Hold Conference

Meeting of District Fifteen Will
Be Held in Pueblo on
June 20.

TRINIDAD, Colo., June 9.—A delegate meeting of all the locals in district No. 15, United Mine Workers of America, embracing Colorado, Wyoming, Utah and New Mexico, has been called for June 20 at Pueblo. The meeting will discuss the existing coal strike and decide whether or not the fight shall be continued. The decision to call a delegate meeting was reached at a meeting of the national organizers now in the district and the district officers. The impression prevails in some circles that the operators have to agree to make a number of concessions if the miners will put an end to the struggle.

Accused of Theft of Real Gold Brick

Detroit Man Under Arrest Charged
With Getting Away With
\$22,000.

DETROIT, June 9.—Edward DeLaney, a bartender, is under arrest and the police say that he is suspected of connection with the theft of a gold brick, valued at \$22,000, from the Pacific Express company's office in the union depot in this city a year ago. Capt. McDonnell of the detective department has telegraphed the president of the Pacific Express company asking him to come here without delay.

Degree for Wheeler.

MADISON, Wis., June 9.—Benjamin De Wheeler, president of the University of California, today received the degree of doctor of laws from the University of Wisconsin.

Received by the Pope.

ROME, June 9.—The Pope received Rear Admiral Sillas Casey, U. S. N. (retired), Mrs. Casey and Miss Casey.

BATTLE WITH TRAIN BANDITS

One Robber Is Killed, Officer Hurt.

Reinforcements From Glen- wood Springs Go to Scene of Shooting.

Fight With Men Who Held Up a
Rio Grande Express Occurs
on Range.

NEWCASTLE, Colo., June 9.—A posse of ranchmen and cowboys living in the neighborhood of Garfield, west of this place, came upon three men supposed to be the Denver & Rio Grande train robbers, who dynamited the express car of a train near Parachute, Colo., Tuesday night, and in a battle which followed one of the pursued was killed. The other two escaped into Garfield canyon and at last accounts was completely surrounded. It is thought that escape is impossible. Elmer Chittman, a cowboy, received a slight flesh wound.

Dead Man Identified.

The dead man was brought to this place tonight and was identified as one of the three men who worked several days last week on the Denver & Rio Grande section near Parachute. He went under the name of J. H. Ross. Previous to working for the railroad he was employed in a restaurant in this town. Nothing is known of his history here. Identification was made by a Rio Grande pay check found on his person.

Who Other Men Are.

The two other men who worked with Ross last week gave the names of John Emmertling and Charles Seubels. They worked along the railroad track from Thursday until Saturday night and all quit together and left the neighborhood. Their several days' employment on the road gave them an excellent opportunity to familiarize themselves with the lay of the land in the vicinity of Parachute.

Big Posse Surrounds Bandits.

It is reported that at least 200 men, heavily armed, are watching the two men in Garfield canyon tonight and will shoot them down if they attempt to escape. A train load of men left here this afternoon to aid the ranchmen and cowboys.

Men Are Desperate.

Sheriff Adams today received a telephone message from Joe Banta, a ranchman on Main creek, to the effect that the three men came to his place this morning and at the point of a gun forced the people on his ranch to give them breakfast. After their departure Mr. Banta endeavored to telephone his information to town and found that his tough visitors had cut the wire before coming to the house. The break was easily repaired and notice sent to surrounding ranches. A posse of cowboys was soon formed and started in pursuit.

Old Man Killed in a Runaway

Automobile Responsible for an Ac-
cident in Which Aged Citizen
Perishes.

MISSOULA, Mont., June 9.—William Mix, 75 years old, was thrown from his buggy this afternoon and received fatal injuries, as the result of a runaway, for which an automobile is responsible. The horse driven by Mr. Mix and his son became frightened at the motor while crossing the bridge over the Missoula river, disengaged itself from the bridge and dashed wildly ahead. The younger Mix jumped to safety, but the father was thrown against one of the massive iron uprights, inflicting wounds from which he cannot recover. He recently came from Minnesota.

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Paris Temps Talks of the Perdicaris

Case in Semi-Official
Article.

PARIS, June 9.—The Temps today published a semi-official leading article on the Perdicaris case. It says: "Those who contend that France should follow the course of the United States in sending warships to Tangier should understand that ships will be of no good whatever, as the prisoners are sixty miles from the coast, and Morocco is doing everything possible without naval pressure to bring about their release. The article points out that any forcible action by the navy would precipitate grave issues between France and Morocco. Similarly, any French land demonstration would bring on a dangerous struggle between the Mussulmans and Christians in Morocco. Under the peculiar conditions existing in Morocco the cautious diplomacy of France is now pursuing is the only feasible course. The article promises to result in the release of the prisoners."

"Hereafter," continues the Temps, "the incident imposes upon France the necessity to police Tangier so as to afford complete protection to the native population and to foreigners."

For the foregoing article, the newspapers here do not give prominence to the situation at Tangier.

ATTACK ON ARTHUR IS BEGUN

Special received by the News from its staff war correspond- ent at Chefoo says:

"Chefoo, June 9.—The long contemplated attack by the Japanese on Port Arthur began this morning. The Russian forces around the beleaguered city were reinforced by the troops which had garrisoned Dalny and Kin Chou. "The Russian vessels in the harbor, with their great guns, aided the land forces in repelling the attack. The fighting is still going on."

SAM NEWHOUSE WINS THE SUIT

New York Supreme Court Decides.

Action Brought by Joseph
Fleischman for Seventeen
Thousand Dollars.

Plaintiff Claimed Commission for
Sale of Famous Flatiron Building,
Which Mr. Newhouse Owned.

THE following telegram was received in this city yesterday from Samuel Newhouse, who is now in New York, dated June 9:

"The case of Joseph Fleischman against me for \$17,000 for commission and services in the sale of the Flatiron building, on trial for the past three days in the Supreme court of New York, was decided in my favor today and all costs charged to plaintiff."

"SAMUEL NEWHOUSE."

Local friends of Mr. Newhouse will be very glad to know that he has won the suit in question, even if the amount is a very small one to a man of his wealth. But it is presumed that the matter was one of principle rather than money, although his local advisers and business associates know nothing of Fleischman or the suit.

Mr. Bettles, who is closely associated with Mr. Newhouse in his local business affairs, said last night that the matter had been conducted by the New York attorneys of Mr. Newhouse and nothing was known of the details at this office.

The Flatiron is one of New York's most famous skyscrapers, if not the most famous. It was owned by Mr. Newhouse and sold by him, the figure of a million dollars being named as the amount falling to the Utah man by the sale.

Warships Will Do No Good

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ROBERTS CARRIES DAY FOR PEERY

KNOX WILL SUCCEED QUAY

Has Been Agreed Upon for Senator.

Announcement of This Fact
Made by Republican
Leaders.

He Will Not Resign as Attorney-
General Until Congress Meets
in December.

Philadelphia, June 9.—Phila-

der C. Knox, attorney-general of the United States, was selected today to fill the seat in the United States Senate made vacant by the death of M. S. Quay. He will accept and serve by appointment of Governor Pennypacker until March 4th, the date of the expiration of the late Senator's commission. Unless political complications should arise as a result of today's action he will be elected for the full term by the Legislature which meets in January. It is expected that Attorney-General Knox will remain in the cabinet until December.

Politicians Surprised.

The selection of Attorney-General Knox came as a surprise to the politicians of the State. Directly after Senator Quay died Knox's name was among those mentioned for the vacancy, but as no one came forth to support it, very little was heard of his candidacy during the past week. His name was not considered by United States Senator Penrose, who, as chairman of the Republican State committee, along with Israel W. Durham, the Philadelphia leader, had the naming of Quay's successor.

Candidacy Announced.

Yesterday afternoon, however, Henry C. Erick of Pittsburgh, a director of the United States Steel corporation, came to this city and formally announced that the attorney-general was a candidate for the place and that he came here in Mr. Knox's interest. As the leaders had decided that Allegheny county, in which Pittsburgh is situated, was to have the place, he thought the leaders could have no objection to the attorney-general.

Pittsburghers Agree.

This caused much agitation in the Pittsburgh delegation, which had already named four men for the vacancy. At first it was expected that Mr. Knox would be opposed, but after a series of conferences the Pittsburgh delegation accepted Mr. Knox.

Roosevelt Informed.

Just before Attorney-General Knox left Washington a few days ago he called on the President and told him that he had been tendered the appointment of senator by the State of Pennsylvania. The President told him that while it was true that probably no other man in the country could quite fill the position of attorney-general, he had filled it, yet he believed that his services in the Senate would be exceptionally valuable not only to the State of Pennsylvania, but to the whole country.

President Is Gratified.

The President said during the next session or two of congress it was a fair assumption that there would be considerable constructive legislation on the subject of trusts and combinations of one character or another, and in that matter Mr. Knox would be of great service than perhaps any other man could be. The President is greatly pleased that Mr. Knox will accept the position. The latter probably will not resign as attorney-general until Congress convenes next December.

Knox Attends a Dinner.

Attorney-General Knox, who has a farm at Valley Forge, was in the city for a short time yesterday and then went to the farm of A. J. Cassatt, president of the Pennsylvania railroad, where the Farmers' club, a dining organization of wealthy men, gave a dinner tonight. Among others present were Senator Penrose, Mr. Erick, Governor Pennypacker, former United States Senator Don C. Cameron and Richard R. Quay, son of the late Senator.

Will Be Elected.

After his return from President Cassatt's farm tonight Senator Penrose, in commenting on Attorney-General Knox's selection, said: "Gov. Pennypacker still appoints Mr. Knox tomorrow. The Attorney-General will accept the appointment. Mr. Knox will serve out the unexpired term of the late Senator Quay and will be elected for the full term, beginning March 4 next."

Steel Magnate Dead.

ATLANTIC CITY, N. J., June 9.—John Munhall of Pittsburgh, one of the founders of the United States Steel Corporation, died here today, aged 72 years.

Guest of the President.

WASHINGTON, June 9.—Gov. Brodie of Arizona was a guest of the President at luncheon today.



Joe Monson of Logan.

Will Not Allow Client to Testify

Counsel for Mrs. Patterson Refuse
to Permit Her to Go Before
Jury.

NEW YORK, June 9.—At the request of some of the grand jurors, Assistant District Attorney Rand this afternoon wrote to counsel for Mrs. Patterson asking that she be permitted to testify before the grand jury and explain her case. Her counsel, after a conference as to the advisability of granting the request, replied that they will not allow their client to go before the grand jury. Their letter says:

"While we fully appreciate the very just spirit which prompts our worthy grand jury to extend this privilege to Mrs. Patterson, she is constrained to defer to our judgment not to avail herself of the present."

"From our conscientious understanding of the facts attending the unfortunate death of Mr. Young we are thoroughly convinced that no indictment would be returned by this or any other grand jury if the evidence of eye witnesses and others, whose statements the District Attorney has already taken, is submitted to that body. Under these conditions we can conceive of nothing which Mrs. Patterson can or should be called upon to explain."

Mr. Levy said that he had received many letters from people who say they were witnesses to the shooting, and that his firm would see the writer of each letter.

Judge Newburger, in the Court of General Sessions, has issued a body attachment for J. Morgan Smith, brother-in-law of Mrs. Patterson. This is practically the same as a warrant. The attachment was issued on an affidavit of Police Captain Sweeney, who swore that a subpoena was issued for Smith for today, but that he failed to appear.

The pawnbroker, who was the revolver with which Young was killed, when shown a picture of Young, declared positively that it was a likeness of the man who bought the revolver. He then described the purchaser, whose appearance as he remembered it was strikingly similar to that of J. Morgan Smith.

Another witness who has been kept in the background is Thomas Meagher, a driver, who says that he saw what took place in the cab just before the shot was fired.

He says that Nan Patterson, sitting on the left of Young, was turned half around in the cab, her left arm thrown around Young's neck and she was leaning forward as though about to press her lips to his. The position would make it possible to have brought a revolver up with her right hand and into place so as to deliver a bullet which would cause such a wound as killed Young.

Bail of Mrs. Elias Ordered Decreased

Court Directs That Amount of Bond
Be Fixed at \$30,000 Instead
of \$50,000.

NEW YORK, June 9.—Mrs. Hannah Elias, held on an extortion charge, was taken before Justice Clark in the Supreme court today on habeas corpus proceedings. Sixteen patrolmen who had been detailed to handle the crowd which clamored for admittance to the courtroom were almost overwhelmed. There was some show of disorder, but it was soon quelled. After hearing arguments Justice Clark ordered that bail be decreased from \$50,000 to \$30,000. He also dismissed the writ of habeas corpus and remanded the prisoner to the toms. He said that bail could be accepted by the magistrate in the case.

A meeting of about fifty representative negroes was held here tonight, at which it was decided to exert every effort to secure the immediate release of Mrs. Hannah Elias. Addresses were made criticizing the action of the District Attorney in causing the sensational raid of Tuesday night on Mrs. Elias's home. A colored lawyer has been retained to assist in the defense of the criminal action against the prisoner.

JUDGE POWERS WAS DEFEATED

Democratic Convention Ends in Row.

Fight for National Commit- teeman Was Full of Spirit and Ill Feeling.

Selection of Delegates to St. Louis
Aroused but Little Interest, the
Slate Going Through.

WORK OF CONVENTION.

Member National Committee.
David Henry Peery, Salt Lake.

National Delegates.
Frank J. Cannon, Weber.
Joseph Monson, Cache.
Joseph L. Rawlins, Salt Lake.
Simon Bamberg, Salt Lake.
Sam A. King, Utah.
George C. Whittemore, Juab.

Alternate Delegates.
A. L. Lovey, Salt Lake.
A. R. Weeter, Summit.
Elizabeth J. D. Roundy, Salt Lake.

Mrs. J. Fawson Smith, Salt Lake.

John R. Barnes, Davis.
E. R. Davis, Utah.

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TAH Democracy kept its promises to the newspapers, and incidentally to the people Thursday, by providing for those who attended the State convention at the Salt Lake Theatre a first-class entertainment.

Primarily the convention was called to elect six delegates to the National convention. This concluded the convention unbottled an accumulation of

ill-feeling and personal animosities of years' husbanding.

Early work of the convention was tamest of the tame. A band was there and so was the bunting and a few flags. There were delegates wearing big white badges of a favorite candidate and others with pockets bulging with tickets containing lists of nomination entries into the race for representatives in the St. Louis convention. And there were great quantities of bad blood to be seen though none of it was let until most persons thought the expected would not happen and had left the theater.

The State committee named a very good speaker for temporary chairman, but a presiding officer whose bungling destroyed much of the good impression his speech had made. The permanent chairman did not electrify, but he was more at home with the gavel.

It required more than six hours to nominate six delegates and elect a member of the National committee. In all forty-seven speeches were made. "Only forty-seven," as one visitor put it. There were others threatened, but the convention could not listen.

Only One Break in Slate.

With one exception the National delegate slate forecasted Thursday by The Tribune was put through, the name of Joseph Monson of Logan being substituted for Frank Nebeker. There were candidacies galore, and nearly every one had friends working earnestly for him. All of the winners are representative Utahns. Indeed, it is claimed a stronger delegation could not have been

State Chairman Cannon.

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